

Attorney Docket No.: **ISPH-0588**
Inventors: **Crooke et al.**
Serial No.: **09/918,026**
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cholesterol acyltransferase-2, classified in class 536, subclass 24.5.

Group II, claims 15-20, drawn to a method of inhibiting the expression of acyltransferase-2, and a method for treating an animal having a disease condition associated with acyl CoA cholesterol acyltransferase-2, classified in class 514, subclass 44.

The Examiner suggests that Groups I and II as set forth above are distinct each from the other because they are related as product and process of use. It is further suggested that they have acquired a separate status in the art.

Further, the Examiner suggests that the antisense sequences listed in claim 3 are subject to restriction. It is suggested that the sequences are targeted to and inhibit the expression of acyl CoA cholesterol acyltransferase-2, but are functionally independent and distinct as each sequence is different and targets a different and specific region of acyl CoA cholesterol acyltransferase-2, and each sequence inhibits the expression of the gene to varying degrees. The Examiner has requested that the Applicants elect one sequence to be searched. Applicants respectfully traverse this requirement.

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For a proper restriction requirement the MPEP §803 requires showing: (1) that the inventions are independent or distinct AND (2) that there would be a serious burden on the Examiner if the restriction is not required. MPEP 802.01 defines "distinct" to mean that the "two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made there, etc., but are capable of separate manufacture, use, or sale, as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER."

All of claims of the instant application relate to the single concept of expression of acyl CoA cholesterol acyltransferase-2. Accordingly, each of the claims contain the components for use in the same endpoint, namely acyl CoA cholesterol acyltransferase-2 inhibition. Thus, Applicants respectfully disagree that the Groups set forth by the Examiner are distinct as being novel and unobvious over each other, as required by MPEP § 802.01.

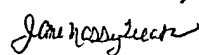
Thus, a search relating to all of the claims in this application would not be overly burdensome to the Examiner. Accordingly, the instant Restriction Requirement meets neither of the criteria as set forth by MPEP §803 to be proper. Reconsideration and withdrawal of this Restriction Requirement is therefore respectfully requested.

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However, in an earnest effort to be completely responsive, Applicants hereby elect to prosecute Group I, claims 1-14, with traverse. Claim 3 has been canceled. Claim 1 and claim 11 have been amended to clarify that the claimed invention is an compound targeted to a *single* disclosed species of the acyl CoA cholesterol acyltransferase-2, namely, SEQ ID NO: 3. Support for this amendment is found throughout the specification and especially at page 87. Applicants believe that these amendments satisfy the requirements of this Restriction Requirement, as only a single species of human acyl CoA cholesterol acyltransferase-2 is now claimed.

Attached hereto is a marked up version of the changes made to the claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made."

Respectfully submitted,



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Date: **October 24, 2002**

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claim 3 has been canceled.

Claims 1 and 11 have been amended as follows:

1. (Amended) A compound 8 to 50 nucleobases in length targeted to a nucleic acid molecule encoding human acyl CoA cholesterol acyltransferase-2 (SEQ ID NO: 3), wherein said compound specifically hybridizes with and inhibits the expression of a nucleic acid molecule encoding human acyl CoA cholesterol acyltransferase-2.

11. (Amended) A compound 8 to 50 nucleobases in length which specifically hybridizes with at least an 8-nucleobase portion of an active site on a nucleic acid molecule encoding human acyl CoA cholesterol acyltransferase-2 (SEQ ID NO: 3).